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The right to food

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the General Assembly the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food, Jean Ziegler, in accordance with General Assembly resolution 58/186.

* The present report was submitted after the deadline provided for in the relevant General Assembly resolutions owing to the need for additional consultations with specialized agencies to reflect the most up-to-date information available.

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Summary

The Special Rapporteur on the right to food hereby submits his fourth report to the General Assembly as requested by its resolution 58/186 and Commission on Human Rights resolution 2004/19.

The report opens with an overview of the current situation of world hunger, reviews the activities of the Special Rapporteur over the last year, and then addresses situations of special concern with regard to the right to food.

The shocking news is that hunger is increasing. According to the most recent report of the Food and Agriculture Organization of the United Nations (FAO), the number of victims of permanent and grave undernourishment has increased since its last report. There are now 842 million people suffering from undernourishment in a world that already grows more than enough food to feed the global population. Hunger levels have increased every year since the World Food Summit in 1996, when Governments promised to cut hunger. Hunger kills many more people than any contemporary war or terrorist attack. One child below the age of 5 dies from hunger-related diseases every five seconds. It is an outrage that we let hunger kill so many small children. The right to food is a human right, inherent in every human being.

The Special Rapporteur is gravely concerned at current situations in a number of countries and areas, particularly in the Sudan, the Democratic People's Republic of Korea, Cuba and the Occupied Palestinian Territories. He urges the Governments of the Sudan and the Democratic People's Republic of Korea to take immediate action to stop violations of the right to food of their peoples. He also urges the Government of Israel, as the occupying Power, to respect its obligations under international human rights and humanitarian law towards the right to food of people living in the Occupied Palestinian Territories. He also urges the Government of the United States of America to refrain from unilateral measures that affect the right to food of people living in Cuba.

In order to enforce the right to food, it is essential that the general understanding of the right is better developed. At present, the FAO Intergovernmental Working Group is involved in drafting "voluntary guidelines" that aim to assist Governments in their efforts to implement the right to food through a rights-based approach to food security. The report gives an update on this process, but observes that these draft guidelines may remain relatively weak, because a small number of Governments are reluctant to strengthen the protection of the right to food. The Special Rapporteur urges Governments to focus on the goal of the right to food for all and to strengthen the final guidelines.

In the last chapter, the report examines a newly emerging issue that is important for the right to food. In many countries, especially in Asia, but also in Africa and Latin America, many communities are dependent on fish and fishery resources for their access to food and their livelihoods. However, the ongoing restructuring of the fish trade and the fishing industry sometimes has negative effects on the livelihoods and food security of artisanal and subsistence fishers, leaving many behind in the drive towards industrialization, privatization and export orientation. Care must be taken to ensure that changes in policies and programmes do not result in the effective exclusion of artisanal and subsistence fishers from their access to fishing grounds. It should be ensured that shifts towards industrialization, privatization and export

orientation of the fishing industry do not result in the transfer of the rights and resources of the poor into the hands of the rich. The right to food means primarily the right to be able to feed oneself with dignity, and therefore requires, inter alia, taking positive action to protect adequate livelihoods, particularly where there are few alternatives. The right to food requires that this right be respected, protected and fulfilled for all people, including marginalized fishing communities.

The report ends with a series of recommendations.

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I. Introduction

1. The Special Rapporteur hereby submits his fourth report to the General Assembly, as requested by the General Assembly in resolution 58/186 and the Commission on Human Rights in resolution 2004/19.

2. It is an outrage that in the twenty-first century one child under the age of 5 will die every five seconds from hunger-related diseases.[1] That means that more than 6 million tiny children will be killed by hunger by the end of 2004. Hunger will kill more people than all wars fought this year. Yet where is the fight against hunger? In its latest report, *The State of Food Insecurity in the World 2003*, the Food and Agriculture Organization of the United Nations (FAO) reports a "setback in the war against hunger". The number of permanently and gravely undernourished people has increased to 842 million people from 840 million in its last report. Despite progress made in the early 1990s, the number of victims of chronic undernourishment increased by 18 million between 1995-1997 and 1999-2001. Although important recent progress has been made in 19 countries, the overall trend is now one of regression, rather than the progressive realization of the right to food. A number of highly populated countries have slipped into reverse, including India, Indonesia, Nigeria, Pakistan and the Sudan. Progress in China is slowing. The FAO report warns that "prospects for reaching the World Food Summit goal of halving the number of hungry people by 2015 appear increasingly remote". Hunger has increased, rather than decreased since 1996. This makes a mockery of the promises made by Governments at the World Food Summits held in 1996 and 2002, as well as the promises contained in the Millennium Development Goals.

3. Hunger is not inevitable. Nor is it acceptable. We live in a world that is richer than ever before and that is entirely capable of eradicating hunger. There is no secret as to how to eradicate hunger, there is no need for new technologies, there is simply the need for political commitment to challenge existing policies that make the rich richer and the poor poorer. It is time to fully recognize the right to food as a human right that deserves to be fully enforced, as much as any other human right. It is unacceptable that the right to freedom from hunger and the right to adequate food should be considered as simply "aspirations" rather than real human rights that Governments are obliged to respect and to enforce.

4. The right to food is a human right, protected under international human rights and humanitarian law. It has been authoritatively defined in general comment No. 12 of the Committee on Economic, Social and Cultural Rights as follows: "The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (para. 6). The Special Rapporteur, inspired by the general comment, summarizes the definition of the right to food as:

> The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear (E/CN.4/2001/53, para. 14).

5. The right to food means that Governments bear obligations towards their people. These are the obligations to respect, protect and fulfil the right to food. The

obligation to respect the right to food means that Governments must not take actions that negatively affect people's existing access to food. This means that Governments should not, for example, forcibly displace people from their land or farms, or arbitrarily destroy their crops or food, use food as a political weapon or restrict access to humanitarian food aid. The obligation to protect means that Governments must protect people from the possible negative actions of other powerful actors and implies that Governments must adopt appropriate regulation — for example, to prevent the poisoning of water supplies, to prevent non-access to water after, for example, a process of water privatization or to otherwise protect people against abuses of corporate power. Finally, the obligation to fulfil means that Governments must do everything in their power to create an enabling environment to ensure that all people can feed themselves in dignity. The right to food is primarily about the right to be able to feed oneself in dignity. Governments have a responsibility to ensure that all, including the poorest and most discriminated against, have an adequate livelihood to sustain their food security. As a last resort, Governments must provide social safety nets or other forms of support to people who cannot, for reasons beyond their own control, feed themselves. This support should be provided as a matter of right, rather than charity, in order to ensure human dignity. As FAO has outlined, "a rights-based approach to food security emphasizes the satisfaction of people's basic needs as a matter of right, rather than of benevolence".[2]

6. The Special Rapporteur is aware that a number of Governments have an aversion to the very concept of the right to adequate food or its justiciability — some because they believe that it is not compatible with their juridical or political systems, and others because they believe that it is not compatible with a market-based economy. However, the Special Rapporteur would point out that the human right to adequate food simply tries to guarantee freedom from hunger and access to food for every human being at all times. It is unacceptable to let people die from starvation anywhere in the world today. All human beings have the right to live in dignity, free from hunger.

Recent activities of the Special Rapporteur

7. The work of the Special Rapporteur to fight for the right to food and fulfil his mandate has included many activities over the last year. The Special Rapporteur submitted his report to the Commission on Human Rights at its sixtieth session in April 2004, which highlighted issues related to food sovereignty and transnational corporations in relation to the right to food as well as reports of his missions to Bangladesh and the Occupied Palestinian Territories (E/CN.4/2004/10 and Add.1 and 2). This year he has so far carried out country missions to Ethiopia (February 2004) and to Mongolia (August 2004) to analyse and catalyse efforts towards the realization of the right to adequate food. He is planning to carry out missions in the near future to Guatemala, India and South Africa to analyse the situation of the right to food and learn from positive examples of fighting hunger in these countries.

8. The Special Rapporteur has also made requests to undertake country missions to the Democratic People's Republic of Korea and Myanmar, but has received no response from these Governments.

9. The Special Rapporteur has also continued to issue urgent appeals and press statements, individually and jointly with other special rapporteurs, in urgent situations related to the right to adequate food in the Occupied Palestinian

Territories, Romania, the Sudan and Zimbabwe. The Special Rapporteur has also written to Governments seeking information on alleged violations of the right to adequate food, including regarding particular cases in India, Myanmar and the Philippines. Replies from the Governments concerned, except for the Governments of India and Romania, were still awaited at the time of submitting this report. The Special Rapporteur is also grateful for the information he received in reply to his letter addressed to the President of the European Commission, forwarding the above-mentioned report of his mission to the Occupied Palestinian Territories.

10. As well as monitoring situations of concern and violations of the right to food, the Special Rapporteur has followed positive developments with respect to the right to food. He is continuing to follow positive initiatives being taken in Sierra Leone, Brazil, India and South Africa and is also following new developments in Honduras and Uganda. He commends the non-governmental organizations' initiative to establish national special rapporteurs in Brazil and remains in close contact with the national special rapporteur on the right to food. He recommends that other countries study this experience with a view to establishing similar mechanisms to monitor the realization of the right to adequate food. There are also a number of other important developments in Brazil, which include the Government's initiative to re-establish the National Food and Nutritional Security Council (CONSEA) and the proposal to create a framework law to promote the right to food, as well as mechanisms for monitoring violations of the right to food. An international seminar will be held in Brazil in December 2004 to discuss the National Framework Law on the right to food, which will significantly advance this process.

11. The Special Rapporteur and his team have also participated in many international meetings with governmental, non-governmental and United Nations organizations, in order to raise awareness of the right to adequate food, and have been impressed by the growing commitment by many organizations towards a better understanding and implementation of the right to adequate food. In working with the United Nations agencies to promote the right to food, the Special Rapporteur welcomed the invitation of the Executive Director of the World Food Programme (WFP) to participate in the WFP Global Meeting, held in Dublin from 7 to 10 June 2004. This important meeting, held once every four years, brought together all heads of WFP offices to discuss strategies for strengthening their fight against famine. The Special Rapporteur participated in a panel with George McGovern and had the opportunity to make a presentation on the progress being made on the issue of the right to food within the United Nations system and among Member States. The Special Rapporteur is deeply impressed by the work of WFP and looks forward to collaborating further with WFP on the right to food.

12. The Special Rapporteur also made a presentation at the international symposium on "Peace, justice and international law" organized by the Fondación Sistema and the Government of Spain in Salamanca from 23 to 26 June 2004. The symposium was attended by leading figures from the Government of Spain and many permanent representatives to the United Nations.

13. His team also contributed to the international meeting on the "Right to food and access to justice", held in May 2004 at the University of Fribourg in Switzerland, under the auspices of the Jacques Maritain Institute and financed by the Governments of Switzerland, Germany and Norway. The seminar examined many cases demonstrating the justiciability of the right to adequate food and other

economic, social and cultural rights across the world, and was aimed at contributing to the work of the FAO Intergovernmental Working Group in developing voluntary guidelines on the right to food.

14. Also in May 2004, the Special Rapporteur and his team participated in meetings with a new initiative, GAIN — the Global Alliance for Improved Nutrition — which aims to promote ethical and responsible food fortification as one way to eliminate vitamin and mineral deficiencies around the world. GAIN is currently developing the "Blueprint for responsible production and marketing of fortified foods", which will set out the basic guiding ethical principles for its public and private civil society partnerships. The Special Rapporteur was encouraged that GAIN is committed to human rights and social justice. He advocated that GAIN should focus on helping the poorest, especially through fortifying basic staple foods, and suggested that GAIN's Blueprint adopt an explicit recognition of the right to food (as outlined in general comment No. 12) and the human rights principles of dignity, non-discrimination, participation, accountability and transparency. He believes that the GAIN initiative will be important in the fight against micronutrient malnutrition, if it focuses on the poorest. Although food fortification is not a panacea for improving nutrition, since it does not challenge the political and economic exclusions that often lead to malnutrition amongst the poor, it can still make a vital difference to improving people's lives.

15. Efforts have also included meetings with numerous civil society organizations, including those working on specific campaigns on the right to food in India, Spain, France and Germany. The Special Rapporteur and his team have collaborated with Action contre la faim (ACF), including contributing to its publication *Geopolitics of Hunger*. He has also worked with a new international campaign on the right to food established in Spain, which links Spanish NGOs to lobby for the realization of the right to food in Spain and across the world.[3] He also continues to work with the non-governmental organization FIAN in its extremely important work in highlighting violations of the right to food and raising awareness of this right.[4]

II. Situations of special concern

16. The mandate of the Special Rapporteur includes monitoring violations of the right to adequate food and situations of special concern. At the time of writing this report, the Special Rapporteur is particularly concerned about the situation of the right to food in the following countries and areas.

Darfur region, Sudan

17. The Special Rapporteur is gravely concerned at reports of violations of the right to food amidst ethnic cleansing and widespread killings, rapes and other human rights abuses occurring in the Darfur region of western Sudan. He issued a joint statement on the issue with seven other special rapporteurs on 29 March 2004. In just over a year, more than 110,000 Sudanese have fled across the border into neighbouring Chad and over 750,000 have become internally displaced within the Sudan as a result of conflict in Darfur between the national Government, allied militias and rebel groups. It is reported that militia groups, including the Janjaweed, the Muraheleen and the Popular Defence Forces, with alleged links to the

Government of the Sudan, are trying to forcibly remove the non-Arab segment of the local population.

18. Militias have violated the obligation to respect the right to food by destroying, damaging or looting crops, agricultural areas, livestock and drinking water installations, including severe destruction of resources in western Darfur's Jabal Marrah area, as well as forcibly displacing up to a million people from their homes. The destruction of resources essential to survival and forced displacement are prohibited under international human rights and humanitarian law and amount to a violation of the right to food, particularly when people are displaced from their means of subsistence. This has left millions of people dependent on humanitarian support for their survival, yet militias have sometimes made the access of humanitarian organizations to these regions extremely difficult. Restricting access for humanitarian organizations seeking to provide urgent aid of food and water also amounts to a violation of the obligation to fulfil the right to food under international human rights and humanitarian law. The Special Rapporteur has expressed particular concern that the Government of the Sudan is urging Darfur's massive internally displaced population to return to their homes when safety is still not assured and their livelihoods have been destroyed. The Special Rapporteur urges the Government of the Sudan urgently to stop the activities of the militias in violating the right to food and to ensure the protection of and assistance to displaced Sudanese in the reconstruction of their farms and livelihoods.

Democratic People's Republic of Korea

19. The Special Rapporteur continues to be gravely concerned at the situation in the Democratic People's Republic of Korea, which amount to violations of the obligations to respect, protect and fulfil the right to food and freedom from hunger. Over the last decade, hundreds of thousands of people have reportedly been killed by a "silent famine".[5] Millions continue to suffer from hunger and chronic malnutrition that have been caused by natural disasters, the loss of Soviet subsidies and restricted rights, including limits on the freedom of movement. Restrictions on access for humanitarian organizations mean that food aid, provided by the international community, has not always been distributed in accordance with the conditions of non-discrimination and transparency, and may not always have reached the hungriest. Amnesty International has recorded that people have been publicly executed for "economic crimes", such as stealing crops or cows for food, in order that the Government can maintain public order in the face of famine.[6]

20. The Special Rapporteur has also been concerned about the actions of the authorities of the Democratic People's Republic of Korea and China in relation to people from the Democratic People's Republic of Korea escaping into China.[7] The food crisis has pushed many people from the Democratic People's Republic of Korea to escape hunger by "illegally" crossing the border into China. The Special Rapporteur has expressed grave concern regarding China's forced repatriation of these so-called "refugees from hunger". It is alleged that these people, after being repatriated by the Chinese authorities, are often subjected to severe punishment by the Government of the Democratic People's Republic of Korea, usually condemning whole families to years in labour camps. The Special Rapporteur urges both Governments to end the persecution of these people and the Government of the Democratic People's Republic of Korea to respect the right to food of its population under international human rights law. In its resolutions 2003/10 and 2004/13, the

Commission on Human Rights repeatedly called upon the Government to cooperate with the thematic procedures of the Commission, in particular the Special Rapporteur on the right to food. Accordingly, the Special Rapporteur has requested the Government of the Democratic People's Republic of Korea to allow a visit to examine the situation of the right to food in greater detail. He has also requested a meeting with the Chinese authorities to discuss these issues.

Cuba

21. In Cuba, the Special Rapporteur continues to be concerned by the maintenance of the United States of America's unilateral embargo against Cuba, and recent proposals for tightening of the embargo introduced by the report of the Commission for Assistance to a Free Cuba.[8] This adds to the measures imposed by the 1996 Helms-Burton Act, under which economic sanctions are imposed not only on Cuba, but on all foreign companies that have commercial dealings with Cuba. There can be little doubt that this blockade has seriously damaged the Cuban economy. The further tightening of the embargo, which includes restricting family visits and remittances to Cuba and restricting development of the tourism industry, is likely to seriously damage the economy and affect the right to food of ordinary Cuban people. It is true that the United States has now made provision to allow donations and imports of food. But if the general embargo continues to devastate the economy and people's livelihoods, then this will endanger the right to food, which requires ensuring that people are able to feed themselves in dignity through adequate livelihoods.

22. The Special Rapporteur believes that the blockade constitutes a clear violation of international law. This is also the opinion of the international community. On 4 November 2003, the General Assembly adopted resolution 58/7, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". In 2004, the Commission on Human Rights, in its resolution 2004/22, on "Human rights and unilateral coercive measures", invited all special rapporteurs to pay attention to the negative impacts of such measures. The Special Rapporteur has therefore requested the Government of Cuba to permit an official mission to Cuba to examine the situation of the right to adequate food, and the Government of the United States of America to provide further information. An official mission to Cuba would examine whether the intensification of the unilateral coercive measures will aggravate the situation with regard to the realization of the right to food and related rights in Cuba.

Occupied Palestinian Territories

23. In the Occupied Palestinian Territories (OPT), the Special Rapporteur is gravely concerned at the continued destruction and expropriation of Palestinian land and crops by the Israeli occupying forces through recent military operations, as well as the building of the "security barrier". These actions violate the obligations of the occupying army, as the occupying Power, to respect the right to food under international human rights and humanitarian law. Although the Special Rapporteur does not question the right of Israel to defend itself, he must still question the actions of the occupying forces inside Palestinian territories, where these are producing a humanitarian food crisis. As he indicated in the report of his mission in 2003 (E/CN.4/2004/10/Add.2), 22 per cent of Palestinian children are now gravely malnourished and approximately 50 per cent of Palestinians have become dependent

on food aid, as restrictions imposed on movement inside the territory have devastated the Palestinian economy. The occupying Power also reportedly extracts more than 85 per cent of the water from the West Bank aquifers. The International Court of Justice has declared the "security barrier" or "Wall" illegal, where it is built inside the Palestinian territories and does not follow the Green Line 1967 border between Israel and the territories. Numerous resolutions of the Commission and the General Assembly have also condemned the occupation and the building of the barrier on Palestinian land, as this requires destruction and confiscation of thousands of hectares of Palestinian land. Depriving thousands of Palestinians of access to their land, farms and livelihoods constitutes a violation of the right to food. The Special Rapporteur urges the Government of Israel to respect its obligations as occupying Power regarding the right to food.

24. In response to the escalation of recent military operations in Gaza, and referring to Commission on Human Rights resolution 2004/19, in which the Commission urged not only States, but also private actors, to promote the effective realization of the right to food, the Special Rapporteur has written to the Caterpillar corporation, expressing concern that the company's activities in supplying its specially modified armed D-9 and D-10 bulldozers to the occupying army, in full knowledge that they will be used to destroy farmland, greenhouses, crops and olive groves as well as water installations, might amount to complicity with or acceptance of actual and potential violations of the right to adequate food. The Special Rapporteur urges the Caterpillar corporation, and all other corporations, to commit to undertake responsibility to promote the effective realization of the right to food through, at the very least, avoiding complicity with actions that amount to a violation of the obligation to respect the right to food.

III. An update on the "voluntary guidelines" on the right to adequate food

25. Following a commitment made at the World Food Summit: five years later in 2002, Governments are currently involved in an intergovernmental process under the auspices of FAO to elaborate guidelines to progressively realize the right to food. The Special Rapporteur has participated in this process, in accordance with the mandate accorded to him by the Commission on Human Rights. He believes that this is an important international initiative that will help in raising awareness that the right to food is a human right, and that it is a right that must be respected and enforced around the world.

26. It should be remembered that the initiative to develop these "voluntary guidelines" grew out of commitments made by Governments themselves at the two World Food Summits. At the World Food Summit in 1996, Governments requested clarification of the meaning of the right to adequate food.[9] In response, the Committee on Economic, Social and Cultural Rights produced its general comment No. 12, which defines the contents of the right to adequate food and outlines the meaning of the obligations to respect, protect and fulfil (facilitate and provide) the right to adequate food. At the World Food Summit: five years later in 2002, Governments again reaffirmed the right to food and requested the elaboration of practical guidelines on how to implement the right to adequate food. Since then,

Governments have been engaged for over two years in an effort to draft internationally accepted guidelines.

27. The Special Rapporteur is disappointed to report that, at the last meeting of Governments at FAO headquarters in Rome in July 2004, negotiations broke down without reaching a final consensus on the text of the draft "voluntary guidelines". Consensus broke down on a few outstanding issues — a divisive debate over the issue of international trade and assistance in relation to the right to food, and issues related to the protection of the right to food during situations of foreign occupation, as well as debate over the protection of human rights defenders. However, the negotiations did reach consensus on the majority of other issues and the Special Rapporteur urges Governments to finalize the voluntary guidelines at their next meeting in October 2004.

28. Although it remains too early to provide final comments on the voluntary guidelines, given the stalled nature of the negotiations, the Special Rapporteur was encouraged by the positive support to the right to food and the voluntary guidelines process of many Governments, including the Governments of Norway, Switzerland, Brazil and South Africa, as well as many other Governments within the Group of 77 developing countries. However, the Special Rapporteur was disappointed by the strong resistance of some other Governments, from the developed and the developing world, which worked hard to water down the language of the text on the political and legal obligations implied by the right to adequate food. Many phrases are rendered almost meaningless by the number of caveats introduced by non-committal language, especially in relation to accountability. As NGOs noted, the draft text is "no masterpiece of political will".[10]

29. The divisive nature of the negotiations, which frequently sought to prioritize national economic and political interests over the common goal of the right to food for all, was surprising. The two key issues which stalled the negotiations — the question of having guidelines on responsibilities related to international trade and assistance, and the question of protecting the right to food in times of occupation — were made in terms of legal arguments based on a narrow interpretation of the concept of the right to food. However, they also reflect broader economic and political interests of the countries concerned — including intransigent positions at the international level on trade (e.g. on agricultural subsidies) and the responsibilities of occupying Powers under international humanitarian law.

30. The market orientation encouraged in the text of the draft guidelines also risks inserting an ideological agenda into the promotion of human rights, which could undermine the view that human rights law does not support or condone any particular economic system, as long as rights are respected (as stated in general comment No. 3 of the Committee on Economic, Social and Cultural Rights). Care should be taken to ensure that human rights are not used to promote particular types of economic system. The aim of the right to food is to ensure that every human being has physical and economic access to adequate food, but it does not require that specific economic systems be in place. The market orientation of the guidelines is reflected in the call for a market system and for a market-oriented trade system (despite the fact that subsidies are considered necessary to protect agriculture in developed countries). In the debate on the guidelines, concepts of "fair" or "equitable" market systems were rejected, although the guidelines do recognize that the markets may need to be regulated to ensure the right to food. During the debate,

the idea that human rights should treat basic needs as a matter of right, rather than charity, was also rejected by certain Governments. Yet the right to food does require that basic food security be considered a human right, with a corresponding obligation of Governments to act. To rely on charity does not guarantee the right to food and runs the risk of denying the dignity of the poor. The right to food is already a justiciable human right in many parts of the world, as evidenced in studies by FAO on the burgeoning amount of jurisprudence on the right to food.[11]

31. The Special Rapporteur continues to believe that the initiative to develop the "voluntary guidelines" is a valuable one. Despite its evident weaknesses, the draft text does reflect some important achievements in terms of understanding the right to food, which could be built on in the future. He still believes that the process in itself serves to underline the importance of enforcing the right to adequate food and raises awareness of how this right could be implemented. For these reasons, the Special Rapporteur has participated in the elaboration of the guidelines and has been broadly supportive of this initiative, although he has also raised a number of concerns about the process, which he hopes will be addressed in the final text.[12]

32. The broader political significance of the elaboration of the guidelines will perhaps be the most valuable outcome of the process of developing the voluntary guidelines. It is the first time that Governments have come together to debate fully the meanings and content of the right to food, even if this comes at an extremely difficult political and economic juncture. It has also taken human rights discussions outside of human rights circles. As NGOs have noted: "The voluntary guidelines have introduced the human rights discourse to a broader audience within the United Nations and within government bureaucracies beyond the departments responsible for human rights".[13] It has had a particularly significant impact within FAO, and therefore contributes to the goal of the Secretary-General to mainstream human rights throughout the United Nations system. FAO has produced a series of important papers on the right to food, including country case studies, examining the right to food in national situations, including on Brazil, Canada, South Africa, India and Uganda, as well as a series of other conceptual papers, on issues such as trade rules, trade-related aspects of intellectual property rights, food aid, safety nets, food sovereignty and their linkages to the right to food.[14] These recognize, for example, the need to "balance economic growth and trade policies with right to food policies" and that "equitable access to resources and assets such as natural resources, including land, is very important for the right to food".

IV. The right to adequate food and fishing livelihoods

33. This section explores an emerging issue of concern regarding equitable access to productive and natural resources for the poor, focusing on capture fishing (both inland and coastal) and fish-farming communities that traditionally survive through their access to local fishing grounds. It examines how, in the drive to industrialize, privatize and orient fish production towards exports, poor fishing and fish-farming communities are often left behind, if their rights over these resources are not protected. Although some employment may be gained by the global restructuring and industrialization of the fishing industry, poor and marginalized people may be displaced from their livelihoods if these changes work to effectively deny their access to resources. From the perspective of the right to food, it is essential to protect access to sustainable fishery resources for poor and marginalized

communities, especially where this provides their primary means of livelihood and where few alternative opportunities exist.

34. A number of civil society organizations have called on the Special Rapporteur to examine the special situation of marginalized fishing and fish-farming communities. These organizations include the World Forum of Fisherpeoples, the International Collective in Support of Fishworkers (ICFS), the Centre de recherche pour le développement des technologies intermédiaires de pêche (CREDETIP), the Industrial Shrimp Action Network and FIAN. These organizations are very concerned that today, at a time of increasing scarcity of fishing resources, new developments in global and local fisheries management do not support artisanal and small-scale fisheries but rather constitute a threat to their livelihoods and therefore to their right to food.

Linkages between fisheries and the right to food

35. Fisheries provide both food and livelihoods, particularly for poor and marginalized communities living in coastal areas, but also inland communities dependent on freshwater fishing or traditional methods of raising fish. The right to food of these communities is therefore closely linked to their access to and control over fishing resources. It is extremely important to ensure that fishing communities have secure rights of access to sustainably managed fishing resources.

36. Fish, as food for consumption, is an important part of the right to food. FAO reports[15] that more than one billion people worldwide rely on fish as their major source of animal protein. In some of the less developed areas of the world, fish is often the most important source of animal protein in poor people's diets. Fish accounts for 23.1 per cent of total animal protein intake in Asia and 19 per cent in Africa, and this average figure is higher for coastal and fishing communities.[16] Fish is an important source of protein, but also provides vitamins A, D, B1 and B2, iron, phosphorus and calcium, iodine, fatty acids — all nutrients that are essential for physical and mental development, especially for young children.

37. Fisheries also provide a livelihood for millions of poor people. It provides employment and income from fishing or fish farming, processing and marketing fish. It is estimated that 35 million people are directly engaged in fishing and fish farming, and approximately another 100 million people work in fisheries-related occupations. Around 97 per cent of all fishery workers live and work in developing countries — the majority in Asia (85 per cent), followed by Africa (7 per cent) with far fewer employed in Europe, North America and South and Central America (about 2 per cent each).[17] Most of these people work in small-scale artisanal or subsistence fisheries to provide nourishment for their families and communities. Millions of people around the world therefore depend in some way on fishing and fish farming livelihoods for their income, making it paramount that they have secure access to these resources and that these resources are not overfished, but used at sustainable levels.

Current challenges to the right to food for fishing and fish-farming communities

38. Global fish production has rapidly expanded in recent years, reaching 130 million tons in 2000, up from 40 million tons in 1961. There are two types of fish production — fish captured in the wild from the sea or inland waters (capture fisheries), and fish farmed in the sea or inland waters (aquaculture). Of global fish

production, most fish is still captured at sea (66 per cent) with some fish caught inland (7 per cent); however, fish farming is rapidly expanding and now makes up 27 per cent of global production (11 per cent at sea, 16 per cent inland).[18] In the face of this rapidly increasing global fish production and the growing overexploitation of marine fishing resources,[19] there have been a number of recent changes in the global and local fisheries management.

Marine fishing

39. In the past, access to global marine fishing resources was generally based on open access or traditional customary rules. Over the last two decades, however, in order to overcome conflicts between countries and between fisheries — industrial versus artisanal, export-based versus subsistence — and the overexploitation of marine fish stocks, there have been attempts to regulate access to fishing resources through the United Nations Convention on the Law of the Sea of 1982 and several subsequent agreements. While these agreements have aimed at protecting equity in access to marine fishing and some agreements have aimed to protect artisanal fishing livelihoods, in practice, this has not always worked and there remain inequities in practice between developed and developing countries.

40. The Convention on the Law of the Sea guarantees the rights of countries to their own fishing resources in their territorial waters and exclusive economic zone. National jurisdictions now cover nearly 99 per cent of the world's fishery resources. Each country is obliged to calculate an "allowable catch" (the level of sustainable harvest) and is obliged to avoid overexploitation of its own resources. Each country is bound, if it does not have the capacity to fish all its allowable catch, to give access to other countries. However, the terms of this access are supposed to be regulated in ways which first consider national interests and local livelihoods, then consider the needs of regional countries, especially landlocked and geographically disadvantaged countries, and only finally other countries. This Convention attempts to strengthen the rights of countries to their own fishing resources.

41. Subsequent agreements accord special recognition of the needs of poorer countries and the need for protection to artisanal and small-scale fisheries. These include the Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks[20] and the FAO Code of Conduct for Responsible Fisheries of 1995. The FAO Code of Conduct states that:

> "Recognizing the important contributions of artisanal and small-scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction" (art. 6.18).

42. There are now many agreements and organizations set up between countries to try to implement these principles and protect artisanal and small-scale fisheries. For example, in Asia, the Bay of Bengal organization tries to protect fishers in member countries (Bangladesh, India, Maldives and Sri Lanka). In Africa, a Sub-Regional Commission on Fisheries brings together Cape Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania and Senegal. In Latin America, another organization (the Organización Latinoamericana de Desarrollo Pesquero) with members from almost

all South and Central American countries has initiated a project focused on artisanal fisheries.

43. Today, however, many of these valuable efforts to improve equity of access to fishing resources between developed and developing countries are undermined by policies and activities of developed countries, including subsidies. Subsidies are estimated to total at least US$ 15 billion annually.[21] About 90 per cent of total subsidies are granted by Japan, the European Union, the United States of America, Canada and the Russian Federation to their fishing fleets and fishing industry. In the past, these subsidies have led to the overexploitation of marine resources in developed countries.[22] This has led them to demand greater access rights to the fishing resources of developing countries, and subsidies have permitted the growth of fishing fleets capable of travelling long distances. The United Nations Environment Programme (UNEP) has reported, for example, that the EU paid US$ 230 million in subsidies to its fishing fleets to enable them to take advantage of fishing rights obtained in the Argentine exclusive economic zone.[23]

44. Inequities in bilateral fishing negotiations also sometimes mean that international agreements fail to take account of equity concerns, the potential impact on poor fishing communities or the ways in which such agreements might undermine the efforts of regional and subregional organizations to protect artisanal and small-scale fisheries. In its recent fishing agreement with Senegal, for example, the EU managed to obtain fishing rights over species that are endangered or locally used, which has allegedly threatened the food security of thousands of local fishing communities.[24] Guidelines for negotiations, such as those in World Wildlife Fund (WWF) "Handbook for Negotiating Fishing Access Agreement",[25] should therefore be taken into account in this context.

45. Poorer countries often do not have the capacity to monitor fishing in their territorial waters and therefore can lose out to illegal fishing (both large-scale and small-scale operations). According to FAO, "IUU (illegal, unreported and unregulated) fishing is increasing in both intensity and scope, and is seriously undermining national and regional efforts to sustainably manage fisheries".[26] Many non-governmental organizations point to the fact that poorer countries, in particular, often do not have the capacity to monitor fishing in their territorial waters and exclusive economic zones and therefore lose out to illegal fishing. Non-governmental organizations have suggested that the inability of countries to monitor their waters is partly due to globalized economic policies, which restrict the capacity of the State to undertake monitoring activities. The International Collective in Support of Fishworkers argues that "neo-liberal policies that support decentralization and the withdrawal of the State are also a matter for concern. Cutting back of State participation has also meant that fewer resources are now available for monitoring, control and surveillance (MCS) activities."[27]

46. At the more local level, global policies driving privatization and an export orientation for marine fishing sometimes end up depriving local people of their traditional rights of access to fishing resources. In the past, open-access fishery resources or those regulated through traditional or community access systems allowed local people access to fishing resources, although these rights were not formally codified. However, on the basis that these open-access systems have suffered from overexploitation, recent attempts to control overexploitation have sometimes ended up restricting the access of artisanal and subsistence fishers,

effectively punishing them, even though it is often large-scale fishing that is most responsible for overfishing. For example, recent attempts to regulate access through replacing regulation with the ITQ ("individual transferable quotas") system has amounted to an effective privatization of fishing resources. If the initial design fails to include and protect the poor, this can result in the exclusion of traditional fishing communities from access to their marine resources. Although the ITQ system need not exclude small artisanal and subsistence fishers, in practice, it has favoured commercial fishing at the expense of these groups, whose methods are considered inefficient. Some argue that the ITQ system has been used to systematically shift control over fishing resources from the poor to the rich.[28] It is possible to allocate quotas to traditional fishers, which can strengthen their property rights, but only if quotas are allocated fairly and there are safeguard mechanisms in place to ensure that the poor can maintain their quotas and to ensure against monopolization of ownership. There are examples in which reallocation of rights has strengthened the access of poorer communities, such as the reallocation of Canadian salmon fishery to indigenous peoples, which show how allocation systems can be designed specifically to protect the rights of marginalize communities.[29] However, many argue that reallocation processes are often inequitable in practice:

> "People with higher incomes have a disproportionately large claim to the world's fishery resources. It is not only a matter of the rich outbidding the poor in the marketplace. It is also a matter of the rich controlling much of the supply process, including its regulation."[30]

47. According to one study, for example, the Government of Chile instituted a "transitory fishery law" in 2001 that established the quota system. Under the new allocation system, the industrial sector was able to obtain the great majority of the quotas at the expense of the poor. In the case of one fish, horse mackerel (*Trachurus murphyii*), it is reported that the industrial fishery sector obtained 98 per cent of the annual quota. Yet this fish is an important resource for local artisanal fishers and an important source of food security, while the industrial fishery uses the fish to transform into animal feed.[31]

48. The non-governmental organization FIAN has reported cases of alleged violations of the right to food affecting indigenous fishing communities in the Russian Federation. FIAN reports that, under new regulations on access to fishing resources, the Aleut community on Bering Island has not been granted adequate fishing quotas to maintain the food security of the traditional fishing community.[32] FIAN also highlights another case on Sakhalin Island where indigenous communities were not granted any fishing quota for subsistence consumption of Siberian salmon (*keta*), or humpback salmon (*gorbusha*), even though these species make up their basic source of traditional food and they depend on fishing livelihoods, given persistent high unemployment in the area.[33] Another case alleges that, in the waters of the Nyiskii gulf on the north-east coast of Sakhalin, the local salmon has been decimated by seismic-prospection submarine explosives used in the search for oil by corporations, including transnational corporations Esso and BP, without consultation or compensation to local communities. Under the right to food, Governments have an obligation to protect communities from the negative impact of non-State actors, such as corporations, on their food security and should institute compensation where this right has been violated.

49. In another case, non-governmental fishing organizations in South Africa have reported that the Government's new fisheries policy, under the Marine Living Resource Act 18 of 1998, which officially aimed to design an equitable fishing policy, has worked in practice to exclude a large number of artisanal and subsistence fishers in the Southern and Western Cape from their previous access to fishing resources.[34] Non-governmental organizations argue that, under the new law, there is no recognition of "artisanal fishers" as a separate category of fishers, as they are subsumed in the category of the commercial sector, which the fishing organizations allege does not meet the very different needs of the artisanal fishers. With the adoption of an ITQ quota system, they suggest that the fishing resources have been to some extent privatized out of the hands of the fishing communities. They argue that a large number of traditional artisanal and subsistence fishers were not granted quotas and have therefore lost access to their traditional fishing resources. They cannot now undertake fishing without breaking the law, even if they fish for their families' consumption. It is also alleged that a shift towards export orientation now requires that certain fish, such as abalone, be sold to private industrial processing companies to be sold on export markets and cannot be sold on local markets. This affects the community-based trade in fish that supported the broader fishing community. They allege that, as a result of the new law, food insecurity among the fishing communities is increasing, particularly given that relatively few fishers are finding new jobs in the industrialized fishing sector. The fisherfolk have held public hearings to discuss their plight and may bring a case to court to challenge their effective exclusion from access to fishing resources.[35]

50. With the shift towards the export orientation of the fish industry, developing countries now account for half of global fish exports and their net export trade increased from US$ 10 billion in 1990 to US$ 18 billion in 2000 (more than the net export value of coffee, bananas, rice and tea taken together).[36] However, it is not clear whether the income gained from these exports is generally benefiting poorer fishing communities, given the simultaneous shift towards the privatization of fishing resources, which has not always improved the access rights of the poorest. It is suggested that the shift to export orientation of fish economies in Asia, for example, has "led to the marginalization of communities that had been traditionally involved in fishing and fish processing".[37]

Fish farming

51. In response to the overexploitation of marine fishing resources, the fish industry is moving increasingly towards fish farming (called aquaculture) for the further expansion of global fish production. Aquaculture production has rapidly grown in recent years, reaching 35.6 million tons in 2000, compared to 1.9 million tons in 1961. At the current rate, it is estimated that fish farming will overtake fish capture by the year 2020.[38] Most fish farming is located in developing countries (with 84 per cent of global production in low-income food deficit countries), particularly in China, India, the Philippines and Indonesia. Fish farming is frequently promoted on the promise that it will relieve pressure on wild fish stocks and improve food security and provide livelihoods for the poor. However, fish farming does not automatically relieve exploitation of marine stocks — given that many farm fish are, ironically, fed with marine fish.[39] And, while it has promoted food security in some countries, such as China, where fish farming remains small-

scale and most fish is consumed locally, this is generally not the case where fish farming that is industrial in scale and export-oriented.

52. Although traditional, low-technology methods of fish farming have been practised for many centuries by inland and coastal communities to supplement food security, particularly in Asia, these traditional methods are very different from new industrialized methods of fish farming. In India, Bangladesh and Thailand, for example, there is a tradition of rice/shrimp rotation, with rice grown for part of the year and shrimp and other fish cultured on land the rest of the year. No chemicals, antibiotics or processed feed are used in this method, which is low-yield but sustainable over the long term.[40] New industrial methods of fish farming, on the other hand, use highly technical methods based on intense production, dense stocking rates with artificial feed, chemical additives and antibiotics to improve production "efficiency". These new methods require high capital investment, which often excludes poorer farmers from engaging in this kind of production. Although these new methods are often promoted in the name of reducing hunger, in practice this type of farming rarely benefits the poor. According to one study on shrimp farming:

> "Like the earlier Green Revolution, the Blue Revolution is frequently promoted as a way to help feed the world's hungry by increasing the supply of affordable food. The results of the Blue Revolution have been exactly the opposite ... One of the most critical social problems identified by local peoples as part of expansion of the Blue Revolution is the loss of communal resources — including mangrove areas, estuaries, and fishing grounds — that local people depend on for both subsistence and commercial economic activities. Commercial shrimp farming has displaced local communities, exacerbated conflicts and provoked violence involving property and tenant rights, decreased the quality and quantity of drinking water, increased local food insecurity and threatened human health."[41]

53. In a landmark case in India on shrimp farming and its impact on livelihoods, the Supreme Court of India found that damage caused by shrimp farming had resulted in the loss of land for subsistence farming in favour of export shrimp production, the loss of access to the beach, important as landing grounds for fish catch, and the loss of access to safe drinking water with inadequate drainage systems contributing to "skin, eye and waterborne diseases in the contiguous population".[42] In addition, shrimp farming had not resulted in increased employment and the damage caused to local livelihoods and ecology was considered to be greater than the total earnings from shrimp farming. The case suggests that both local marine fishers and agricultural farmers had lost livelihoods and subsistence food production as a result of the expansion of shrimp production, through both the takeover of land and the environmental impacts.

54. Although it is clearly true that fish farming can create employment, especially where it is practised on a small scale, non-governmental organizations have challenged the generalized claim that industrialized fish farming brings more employment for the poor, showing how it often displaces other local livelihoods that generate far more employment. For example, in India, shrimp production has displaced rice production by small farmers along coastal stretches and total levels of employment have fallen. While rice production employs on average 76 workers per hectare, shrimp production employs only 26 workers per hectare. According to the

activist Vandana Shiva, in Tamil Nadu total export revenue from shrimp production (US$ 868 million) came at the expense of job loss and environmental destruction totalling an amount far greater (US$ 1.38 billion).[43]

A right-to-food approach to fisheries

55. The right to food is a human right, under which Governments have a legal obligation to guarantee economic and physical access to food for everyone. The right to food implies obligations on Governments to ensure that all people have physical and economic access to an adequate quantity and quality of food, without discrimination. It also requires Governments to comply with the obligation to respect, protect and fulfil the right to food, as outlined in the introduction of this report.

56. In relation to fisheries, the obligation to respect means that the State should not take actions that arbitrarily deprive people of their existing access to adequate food. The obligation to protect means that the State should enforce appropriate laws to prevent third parties, including powerful people and corporations, from depriving individuals of their access to adequate food. Finally, the obligation to fulfil (facilitate and provide) means that the State should take positive actions to identify vulnerable groups and should elaborate and implement appropriate policies and programmes to ensure their access to adequate food by facilitating their ability to feed themselves. As a last resort, the Government is also required to provide adequate food to those who cannot feed themselves, for reasons beyond their own control. It is also fundamental that participation, accountability and access to effective remedies be ensured at all times and at all levels of the implementation of the right to food. Governments are obliged to ensure the progressive realization of the right to food.

57. It is vital that changes in the fishing industry do not precipitate an increase in food insecurity and a reduction in the physical or economic accessibility of food for the fishing communities or other surrounding communities. This would amount to a regression in the realization of the right to adequate food. The obligation of Governments to the progressive realization of the right to food means that people's standard of living and level of food security should consistently improve, not deteriorate.

58. The obligation to respect the people's *existing* access to food is frequently being violated, not only through direct actions, but also through policies that have failed to protect artisanal and subsistence fisheries. Human rights and social impact assessments should be carried out before instituting legislative and policy changes in the fishing industry in order to measure the impacts if fishers lose their access to their traditional fishing resources, such as in the cases mentioned above in Chile, South Africa and the Russian Federation. To deprive people of livelihoods and their access to food, without compensation or in an arbitrary or discriminatory way, is a clear violation of the obligation to respect people's *existing* access to food. This is particularly the case when there is no alternative employment, especially if or when the new fisheries industry structure fails to provide employment equal to that lost through the restructuring. Rights of access should be secured and compensation offered in cases where reallocation leaves traditional fishing communities with no access to their traditional resources.

59. The obligation to protect the right to food is also often violated. In the case mentioned above for the Russian Federation, for example, the local salmon has been decimated by seismic-prospection submarine explosives in the search for oil by corporations, including the transnational corporations Esso and BP, in the waters of the Nyiskii gulf on the Northeast coast of Sakhalin, without any consultation or compensation to local communities. This amounts to a violation of the obligation to protect the right to food.

60. The obligation to fulfil the right to food is also frequently being violated. This obligation is violated when there are no policies and programmes in place to improve the livelihoods of fishing and fish-farming communities, and to secure their access to resources, especially if the industry changes leave poor marginalized communities with no alternative livelihoods or employment. As a last resort, the Government must provide assistance and safety nets to those who cannot feed themselves. However, ensuring livelihoods so that people can feed themselves in dignity must take priority. Numerous positive examples already exist that show that it is possible to support artisanal and subsistence fishers. Brazil, for example, has adopted a comprehensive Programme for the Support and Development of Artisanal Fisheries. At the regional level, Latin American countries are currently in the process of establishing a "regional project for artisanal fisheries" that will support artisanal fisheries in all the countries of the region. These will help to ensure that traditional fishing communities are not simply left behind.

V. Conclusions and recommendations

61. **The Special Rapporteur submits the following recommendations:**

(a) **The trend of increasing world hunger and undernourishment must be reversed. Governments must implement their commitments made at the World Food Summits in 1996 and 2002 and their Millennium Declaration commitments. All Governments which are parties to the International Covenant on Economic, Social and Cultural Rights must take immediate actions to guarantee the progressive realization of the right to adequate food, in accordance with their international human rights obligations;**

(b) **Urgent actions must be taken by the Government of the Sudan and the Government of the Democratic People's Republic of Korea to stop violations of the right to food of their people. The Government of Israel, in accordance with its obligations as occupying Power under international human rights and humanitarian law, should refrain violating the right to food in the Occupied Palestinian Territories. The Government of the United States of America should also refrain from imposing measures on the citizens of Cuba that may violate their right to food;**

(c) **Governments should complete negotiations on the voluntary guidelines and ensure that these will be a practical tool to enable the realization of the right to food for all as a common goal. In the final phase of negotiations, Governments should focus on the goal of protecting the right to food, particularly for poor and marginalized communities across the world for whom this right is so frequently violated;**

(d) Governments should not implement any policies or programmes that run counter to their legal obligations to realize the right to food. The progressive realization of the right to food means that levels of food security should consistently improve over time. Arbitrary and discriminatory actions that exclude poor people from access to their resources and access to their existing right to food are unacceptable;

(e) In the case of communities dependent on fish and fishing resources, Governments must comply with obligations to respect, protect and fulfil the right to adequate food. This means that it must ensure that artisanal and subsistence fishers are not arbitrarily excluded from their access to fishing resources. Governments must also provide protection to small-scale fisheries against negative impacts of actions undertaken by corporations or other private actors. Priority must be given in the first instance to protecting livelihoods. Adequate compensation for any loss of existing access to resources must be instituted for those whose livelihoods and food security are not respected or protected. Where policies of restructuring the fishing industry are put in place, Governments must ensure that the needs of poor and marginalized communities are respected. Impact analysis of policy shifts must analyse potential impacts on all groups and ensure that all needs are met in a way that avoids potential for regression in the realization of the right to adequate food;

(f) In the Kyoto Declaration, adopted at the International Conference on the Sustainable Contribution of Fisheries to Food Security, Governments agreed in 1995 that trade in fish should promote food security and not "adversely impact on the nutritional rights and needs of people for whom fish and fishery products are critical to their health and well-being".[44] The Universal Declaration of Human Rights, in its article 28, proclaimed that "everyone is entitled to a social and international order in which [these] rights and freedoms ... can be fully realized". The International Covenant on Economic, Social and Cultural Rights, in its article 11, paragraph 2, further stipulates that States parties shall take measures to "ensure an equitable distribution of world food supplies in relation to need". Therefore, all Governments have a responsibility to ensure that their activities do not have negative impacts on the right to food of people in other countries, and should seek to ensure an equitable distribution of resources.

62. It is a shame on humanity that today, in 2004, one child under the age of 5 should die every five seconds from hunger-related diseases. We cannot continue to let people die from hunger and chronic malnourishment. How can we continue to live with this shame? It is time to enforce the right to food.

Notes

[1] World Food Programme, 2004 World Hunger Map. The rate has increased from one child every seven seconds, since the 2001 Hunger Map.

[2] FAO, "Implementing the right to adequate food: the outcome of six case studies" (IGWG RTFG/INF4), p. 13. Available at ftp://ftp.fao.org/docrep/fao/meeting/008/j2475e.pdf.

[3] For more information, see: http://www.prosalus.es/derechoAl/deDerecho.asp.

[4] For more information, see: http://www.fian.org/.

[5] Amnesty International, 2004 "Starved of rights: human rights and the food crisis in the Democratic People's Republic of Korea".

[6] Ibid.

[7] Ibid.

[8] See http://www.state.gov/documents.

[9] Objective 7.4 of the World Food Summit Plan of Action.

[10] NGO caucus, "Final evaluation: no masterpiece of political will", issued 10 July 2004.

[11] See FAO reports available at: http://www.fao.org/righttofood/en/index.html.

[12] See the fifth submission of the Special Rapporteur, posted at www.righttofood.org.

[13] NGO caucus, ibid.

[14] These reports and country studies are available at: http://www.fao.org/righttofood/en/index.html.

[15] See FAO Newsroom Focus "Aquaculture: not just an export industry" at http://www.fao.org/english/newsroom/focus/2003/aquaculture.htm.

[16] G. Kent, 2003, *Fish Trade, Food Security and the Human Right to Adequate Food.*

[17] FAO, *the State of World Fisheries and Aquaculture*, 2002.

[18] Ibid.

[19] Ibid. According to FAO statistics, today about 47 per cent of the major marine fish stocks or species groups are fully exploited and offer no reasonable expectations for further expansion, another 18 per cent of stocks or species groups are overexploited and 10 per cent have become significantly depleted or are recovering from depletion, leaving only 25 per cent of the main stocks or species groups underexploited or moderately exploited.

[20] The Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (art. 5(i) and 24) of 1995.

[21] WWF, *Turning the Tide on Fishing Subsidies. Can the World Trade Organization play a Positive Role?*

[22] UNEP, 2004, *Fisheries and the Environment: Fisheries Subsidies and Overfishing: Towards a Structured Discussion.*

[23] UNEP, 2004, *Fisheries and the Environment. Fisheries Subsidies and Marine Resources Management: Lessons learned from Studies in Argentina and Senegal.*

[24] Ibid.

[25] See http://www.worldwildlife.org/oceans/pdfs/access_agreements.pdf.

[26] FAO, press release, "Countries debate strategies for managing fleet capacities and combating illegal fishing", 1 July 2004.

[27] International Collective in Support of Fishworkers, 2000, *Workshop on Gender and Coastal Fishing Communities in Latin America.* See http://www.icsf.net/jsp/publication/reports/Workshop-withmap.pdf.

[28] G. Kent, op. cit.

[29] See http://www.bcafc.org.

[30] G. Kent, op. cit.

[31] G. Kent, op. cit.

[32] FIAN, RAIPON (the Russian Association of Indigenous Peoples of the North), INFOE (the Institute for Ecology and Action Anthropology), 2003, "The right to adequate food (art.11) and

violations of this right in the Russian Federation. Parallel information to the fourth periodic report of the Russian Federation, submitted by the Russian Government to the Committee on Economic, Social and Cultural Rights (E/C.12/4/Add.10)."

[33] FIAN, RAIPON, INFOE, 2003, op. cit.

[34] Isaacs, M., 2004, "Understanding the social processes and politics of implementing a new fisheries policy, the Marine Living Resource Act 18 of 1998, in South Africa".

[35] Fisherfolk public hearing (an NGO initiative that looked into fishing licences for fisherfolk), Kalk Bay and Hermanus, August 2004.

[36] Source: FAO, 2002.

[37] John Kurien, 2002, *the Blessing of the Commons: Small-Scale Fisheries, Community Property Rights, and Coastal Natural Assets*. Political Economy Research Institute, University of Massachusetts Amherst, Conference Paper Series No. 2.

[38] FAO, 2004, Aquaculture — Trade, Trends, Standards and Outlooks.

[39] R. L. Naylor, R. J. Goldburg, J. H. Primavera, N. Kautsky, M. C. M. Beveridge, J. Clay, C. Folkes, J. Lubchenco, H. Mooney, M. Troell, 2000, "Effect of Aquaculture on World Fish Supplies", *Nature*, vol. 405, pp. 1017-1024.

[40] Supreme Court of India, *S. Jagannath v. Union of India (Aquaculture case)*, WP 561/1994 (1996.12.11).

[41] S. C. Stonich, I. De La Torre, 2002, "Farming shrimp, harvesting hunger : the costs and benefits of the Blue Revolution".

[42] Supreme Court of India, *Aquaculture case*.

[43] Lahiri, D. L (ed.), "Pink Revolution: Right to livelihood of the coastal poor. A case study on shrimp monoculture. Kolkata, India.

[44] Kyoto Declaration issued at the International Conference on the Sustainable Contribution of Fish to Food Security in 1995.